

Economic Counselor by Mr. Kohli on behalf of the Federal Political Department, embracing what the Swiss describe as their interim report on the census of German assets as promised two months ago (Par. 4, Legation's telegram No. 3667, July 24). As it may be seen, this statement presents a mere description of the mode of operation of the Swiss Compensation office, the number of cases blocked without any indication of the results of the census. Mr. Kohli refused to indicate, moreover, when, if at all, any results of the census would be made available to the Allies. He did not contest the joint understanding of the British, French, and ourselves that the Swiss would make available at least the approximate value of interim blocked assets, but they have now failed to do so.

Early in August Mr. Schwab, Chief of the Swiss Compensation Office, informed the Economic Counselor that he had in the course of preparation what he intimated was a complete report which he was preparing for the Federal Political Department. Mr. Schwab stated at the time that he understood this report was intended for the Allies. Shortly afterwards Mr. Kohli, of the Federal Political Department, informed the Economic Counselor that he had received this report but that it was being translated from German into French for us. The Economic Counselor indicated that the German text would be satisfactory. Mr. Kohli stated he thought it more polite to transmit it in French. On August 23 Mr. Kohli was again reminded that we had not received this document. He stated that the translation had not yet been completed but that we would obtain it in the near future.

At a meeting on September 12 the Economic Counselor stated that he could not understand why this report, which had been in Mr. Kohli's hands for approximately a month, had not yet been transmitted. Mr. Kohli replied that after the translation had been made from German into French, the latter text had been submitted to Mr. Schwab of the Swiss Compensation Office for the latter's approval, but that Mr. Schwab had been on vacation for two weeks. The Economic Counselor informed Mr. Kohli that this statement was most remarkable, for members of his office had been in communication with Mr. Schwab by telephone several times during the preceding week. The Economic Counselor added that he had advised the Department of State of the promise to supply a report giving the pertinent information so far obtained on the census, but that it now appeared that this report, although completed a month ago by the Swiss Compensation Office, had been held up by the Federal Political Department. He expressed the fear that its transmission to us was, for reasons unknown, no longer intended. Mr. Kohli thereupon gave instructions to his assistant to assure that the French text of the report be delivered to us on the following day, which it was. It should be observed that the Aide-Memoire enclosed herewith bears the date of August 27, although it was not delivered until September 13.

The foregoing incident has been recited in detail because it suggests that the report prepared by the Swiss Compensation Office and intended for this and the British Legation and the French Embassy was censored and a perfunctory resumé substituted therefor. The enclosed report, it is hardly necessary to state, represents a failure on the part of the Swiss to carry out their promise to acquaint us with the interim results of the census and was delivered two weeks after the census was technically closed on August 31.

This failure of the Swiss to respect their promises is of especial significance at this

time. It would appear to be related to the neglect the Swiss have shown *inter alia* for those provisions of the March 8 agreement which related to the prompt adoption of legislation necessary to facilitate the restoration of looted property and to the attempt made by the Swiss in the Viscose Suisse case, as reported in Legation's telegram 4211, September 25, to negate the influence of the Allied Proclaimed Lists. Reference must also be made by the belated response offered by the Swiss on September 25 (reported in Legation's telegram 4236 of September 28) to Legation's note of August 3 asserting title to German assets and to the Swiss failure to make any response to the Legation's note of July 12. The latter, as reported in Legation's dispatch 12188 of July 27, 1947, requested the Swiss to take steps, in accordance with the March 8 agreement, to assure that no disposition of German or German-controlled property in Switzerland would occur. As reported in Legation's telegram No. 4201 of September 24, 1945, despite this note and despite adequate notice from the Economic Counselor of this Legation that one such disposition was about to occur, the Swiss Government took no steps to intervene in the proposed sale of a German school at Davos.

From these incidents one inference is difficult to avoid: the Swiss Government is pursuing dilatory tactics designed to test the sincerity, firmness, and unity of the Allies with respect to the German assets in Switzerland and with respect to the commercial future of those Swiss enterprises and individuals whose pro-German activities were sufficiently notorious to merit inclusion on the Allied black lists. These tactics are being employed, it would appear, in the belief that, in the interim, the Allies will become so preoccupied with other affairs as to neglect to press for further execution of the March 8, agreement. If they are successful, the Swiss will thereby have escaped the proper and legitimate obligations which the majority of other neutrals have assumed, vis-a-vis the Allies, to put an end to the more important potentials for the continuation of Nazi activities.

In this connection, attention must be directed to recent discussions in the Swiss Parliament and the Swiss press. As reported in Legation's telegrams 4176, September 20 and 4186, September 21, 1945, Federal Councilor Stampfli, Chief of the Department of Public Economy, and Mr. Dutweiler, influential Swiss political leader, have violently attacked the Allies' listing policy. They have chosen deliberately to misrepresent the purposes and objectives of the Allies with respect to German and Japanese assets and the Proclaimed List. They have categorized these purposes and objectives as "economic warfare" directed against the Swiss economy, a statement so palpably false as to require no comment here. The significant point is that these responsible officials and influential spokesmen, supported by large sections of the Swiss press, choose this time to launch an offensive against our lists and the policy behind the lists. This campaign is mounting in scope and intensity. The conclusion here too is difficult to avoid: the Swiss officials are endeavoring to create a public opinion which will accept as proper and in the interests of Switzerland the failures of the Swiss Government to perform wholly in accordance with the provisions and spirit of the agreements made with the Allies.

Meanwhile, the concealment of German assets is facilitated by inadequate enforcement of existing inadequate legislation and Swiss nationals, in direct contravention of the March 8 agreement, are taking title to important German enterprises located here, steps which further complicate the detection

of enemy property and the restoration of looted property.

Respectfully yours, For the Chargé
d'Affaires a.i.

DANIEL J. REAGAN,
Counselor of Legation
for Economic Affairs.●

AUTHORIZING REPRESENTATION BY SENATE LEGAL COUNSEL

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration, en bloc, of Senate Resolution 239, a resolution submitted by Senators DOLE and DASCHLE and Senate Resolution 240, submitted by Senators WARNER and FORD; I further ask that the resolutions be agreed to, the motions to reconsider be laid upon the table, all en bloc, and that any statements relating to the resolutions appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the resolutions en bloc (S. Res. 239 and S. Res. 240) were agreed to.

The preambles were agreed to.

The resolutions, en bloc, with their preambles, are as follows:

S. RES. 239

Whereas, in the case of *Robert E. Barrett v. United States Senate, et al.*, No. 96CV00385 (D.D.C.), pending in the United States District Court for the District of Columbia, the plaintiff has named the United States Senate as a defendant;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1)(1994), the Senate may direct its counsel to defend the Senate in civil actions relating to its official responsibilities: Now, therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent the United States Senate in the case of *Robert E. Barrett v. United States Senate, et al.*

Mr. DOLE. Mr. President, the plaintiff in *Barrett versus United States Senate* is a Federal prisoner in Michigan. He has brought a civil action in Federal district court in the District of Columbia, seeking, among other things, a declaration from the court that the U.S. Court of Appeals for the Seventh Circuit is unable to adjudicate his claims impartially because of its bias against prisoners.

The plaintiff has named the U.S. Senate, among others, as a defendant in his lawsuit. The Senate is not, however, a proper party to this suit. In fact, the plaintiff asserts no claim against the Senate. This resolution authorizes the Senate Legal Counsel to represent the Senate in this action.

S. RES. 240

Whereas, in the case of *United States v. Byron C. Dale, et al.*, Civil No. 95-1023, in the United States District Court for the District of South Dakota, Northern Division, the defendants have named Senator Robert J. Dole as a codefendant in a counterclaim against the United States;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1)(1994), the Senate may direct its counsel to defend its Members in civil actions relating to their official responsibilities: Now, therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent Senator Dole in the case of *United States v. Byron C. Dale, et al.*

Mr. WARNER. Mr. President, the legal action *United States versus Dale*, currently pending in the U.S. District Court in South Dakota, was brought by the United States to foreclose two mortgages executed by the Farmers Home Administration of the U.S. Department of Agriculture on real estate in Corson County, SD, belonging to the defendants.

The defendants in that action have filed a counterclaim against the United States, naming as codefendants Speaker of the House NEWT GINGRICH, Federal Reserve Chairman Alan Greenspan, Treasury Secretary Robert Rubin, Secretary of Agriculture Dan Glickman, and the Senator majority leader. The counterclaim seeks a court order compelling televised congressional hearings regarding Federal farm and monetary policy and the enactment of legislation favored by the defendant.

Lawsuits alleging that citizens have been aggrieved by a Member's failure to act in accordance with the citizens' views have been filed against Members of Congress from time to time. As the Senate has noted previously in response to such lawsuits, every citizen has a constitutionally protected right to petition the Government for the redress of grievances. However, elected officials have the discretion to agree or disagree with communications they receive, and to decide how best to respond to the many points of view which are presented to them. This resolution authorizes the Senate Legal Counsel to represent the majority leader in this action.

MEASURE PLACED ON CALENDAR—H.R. 1296

Mr. LOTT. Mr. President, I ask unanimous consent that calendar No. 300, H.R. 1296 be placed back on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Executive Calendar nominations 515 and 516.

I further ask unanimous consent that the nominations be confirmed, en bloc, the motions to reconsider be laid upon the table en bloc, that any statements relating to the nominations appear at the appropriate place in the RECORD, the President be immediately notified of the Senate's action, and that the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

FEDERAL DEPOSIT INSURANCE CORPORATION

Gaston L. Gianni, Jr., of Virginia, to be Inspector General, Federal Deposit Insurance Corporation. (New Position)

DEPARTMENT OF COMMERCE

Stuart E. Eizenstat, of Maryland, to be Under Secretary of Commerce for International Trade, vice Jeffrey E. Garten, resigned.

NOMINATION OF STUART EIZENSTAT

Mr. HOLLINGS. Mr. President, I rise today to speak on behalf of the nomination of Stuart Eizenstat to be the Under Secretary of Commerce for International Trade. In Stu Eizenstat, President Clinton has chosen a real winner. Ambassador Eizenstat brings a wealth of experience and talent to the administration's economic policy team. In Ron Brown we have had the most energetic and effective Secretary of Commerce that has ever held office at the Hoover Building. And, with the selection of Stu Eizenstat, we finally will have an Under Secretary of Commerce for trade who will serve as an aggressive advocate for U.S. business overseas, and an individual who will help defend American business against unfair competition.

Ambassador Eizenstat is a native of Georgia and, in this period of March madness, I should also note that he developed quite a reputation as an exception basketball player. He is a graduate of the University of North Carolina and Harvard Law School.

As a young man Stu served in the White House under President Lyndon Johnson. And, from 1977–80 he served as President Carter's domestic policy advisor. Since leaving the White House, he has served as a lecturer at the John F. Kennedy School of Government at Harvard and as a guest scholar at the Brookings Institute. He is an expert in trade law and he made a name for himself in private practice in Atlanta and Washington. President Clinton named him to serve in Brussels as the United States Ambassador to the European Union. And, in that role he has championed the cause of U.S. business regarding tariff and nontariff barriers to work toward a level playing field for American business.

Stu Eizenstat is outstanding member of our Jewish American community. Throughout his life he has been very active in the Jewish community in Atlanta. While in Brussels, he also served as Special U.S. Envoy for Property Claims in Central Europe, seeking restitution of Jewish communal and private property confiscated by the Nazis during the Second World War.

Mr. President, the International Trade Administration is the cornerstone in our U.S. trade programs. It is the principal agency responsible for promoting U.S. business and exports overseas. It staffs the U.S. Trade Representative, conducts trade missions,

and provides policy makers with necessary information on industry and trading partners. And, through the Import Administration and the Office of Textiles and Apparel, ITA is responsible for protecting our markets from unfair competition, like dumping. ITA has typically been the Commerce Secretary's right hand; it has been the most important bureau in Commerce, regardless of who holds office, whether Mac Baldrige or Bill Verity or Pete Peterson or Elliot Richardson. I have no doubt that Stuart Eizenstat will make ITA even more effective as he assumes command.

I have no doubt that Ambassador Eizenstat will hit the ground running when he gets over to the Commerce Department. I know his first objective will be to strengthen our trade enforcement activities. He intends to create a new center to monitor foreign countries compliance with trade agreements. Another principal goal of his is to get Asian nations to open their markets to U.S. products. During this recess, I will be reviewing his efforts to build a new American business center in Shanghai, China.

Mr. President, Stu Eizenstat is a man of superb intellect and high integrity. I can tell you that he knows how to get the job done. I know that he will be an effective leader at ITA and Commerce and I urge my colleagues to support his nomination.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

ORDER FOR STAR PRINT—S. 969

Mr. LOTT. Mr. President, I ask unanimous consent that S. 969, the Newborns' and Mothers' Health Protection Act, be star printed to reflect the changes I now send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BRADLEY. Mr. President, today I am pleased to join my colleagues, Senator NANCY KASSEBAUM and Senator BILL FRIST, in announcing a revised and improved version of S. 969, the Newborns' and Mothers' Health Protection Act of 1996.

This bill requires insurers to allow mothers and their newborns to remain in the hospital for a minimum of 48 hours after a normal vaginal delivery and 96 hours after a caesarean section. Shorter hospital stays are permitted, provided that the attending health care provider, in consultation with the mother, determines that is the best course of action.

S. 969 has garnered wide support and endorsements. Currently, 34 of our Senate colleagues, 21 Democrats and 13 Republicans are cosponsors. Major medical organizations such as the American Medical Association, the American College of Obstetricians and Gynecologists, and the American Academy